

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the following remarks.

Claims 1, 3-8, 10-14, 16, and 18-23 were pending in the instant application at the time of the outstanding Office Action. Of these claims, claims 1, 10, and 12 are independent claims; the remaining claims are dependent claims.

Specifically, Claims 1, 3-5, 8 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kravitz in view of Herlin et al.(hereinafter “Herlin”). Claims 6, 7, 10-13, and 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kravitz in view of Herlin and in further view of Martino. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kravitz in view of Herlin and in further view of Ritter. Finally, claims 14, 20, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kravitz in view of Herlin and Martino and in further view of Farrugia et al. (hereinafter “Farrugia”). Reconsideration and withdrawal of the aforementioned rejections is respectfully requested.

Claims 1, 3-5, 8 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kravitz in view of Herlin.

As best understood, Kravitz appears to be directed towards a method of payment in an electronic payment system. A plurality of customers have accounts with an agent. A customer obtains an authenticated quote from a specific merchant, the quote including a specification of goods and a payment amount for those goods. The customer sends to the agent a single communication including a request for payment of the payment amount to the specific merchant and a unique identification of the customer. The agent issues to the customer an authenticated payment advice based only on the single communication and secret shared between the customer and the agent and status information which the agent knows about the merchant and/or the customer. The customer forwards a portion of the payment advice to the specific merchant. The specific merchant provides the goods to the customer in response to receiving the portion of the payment advice.

There is no teaching or suggestion in Kravitz that his invention is usable with cellular or wireless technology. In fact, the words “cellular”, “wireless”, and “telecommunications” do not appear anywhere in the disclosure of Kravitz. Thus, there is no conceivable way in which Kravitz could be modified to utilize such technology without additional hardware or infrastructure. However, the use of additional hardware or hardware infrastructure teaches against the instant invention, in which it specifically states that the invention provides “a secure payment method which can be readily employed by cellular phone users without the need of additional hardware infrastructure, based on the existing sophisticated security concepts of cellular standard networks”. Kravitz has no such existing standards or concepts, and thus, is inapplicable as prior art in

a 35 U.S.C. 103(a) rejection. Thus, the rejections of claims 1, 3-8, 10-14, 16, and 18-23 are respectfully submitted as being invalid.

Since rejections based upon anticipation or obviousness require, at minimum, the disclosure of all of the elements of the invention to which the art is applied any such rejection based on the art of record applied to the presently amended claims would be improper. Therefore, the Applicants submit the present claims are immediately allowable. In light of the above discussion, Applicants also submit the present invention as described by the claims are patentable over Kravitz in view of Martino; Herlin et al.; Fitzgerald et al.; and Ritter either individually or in combination with one another.

Any further discussion in support of non-obviousness at this time is superfluous in view of the arguments provided in regards to Kravitz. Applicants, however, respectfully traverse the obviousness rejections as applied in the outstanding Office Action and are fully prepared to provide further argument in support of the Applicants' position should the need so arise. In addition, the "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

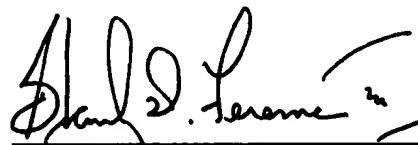
/

/

/

In summary, it is respectfully submitted that the instant application, including Claims 1, 3-8, 10-14, 16, and 18-23, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 47049
FERENCE & ASSOCIATES
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants